

25 AUG 1978

MEMORANDUM FOR: General Counsel

STAT ATTENTION:

Assistant General Counsel

STAT FROM:

Assistant for Information, DDA

SUBJECT: S.2525 - Proposed Intelligence Charter  
Legislation - Title IV, CIA - RevisionREFERENCE: Your multiple addressee memorandum dtd  
8 Aug 78, same subject (OGC 78-5221)

1. This memorandum is to respond to your request for comments on the draft charter legislation. Some of the Offices in the DDA are responding directly to you. The paragraphs which follow include comments provided to us by other Offices in the Directorate. In several cases we have reiterated our concerns which were originally stated in the attached memorandum to Director-Management, NFAC dated 11 March 1978.

2. Section 413(f)(5), page 8

Does this clause grant the Director of Personnel the authority to appoint, promote and separate O/DNI employees?

3. Section 421(a) old (5), page 9

OL  
OK ( We are concerned about the removal of the authorization to lease properties without regard to legislative limitation as stated in the stricken portion. It appears that we would not be able to enter into multi-year leases for real property.

4. Section 421(a)(7), page 10

The secure communications support to "...any other departments or agency" should be authorized by the Director of Central Intelligence. We offer the following substitute:

(7) establish, maintain and operate secure communications system in support of Agency operations; in support of the Office of the Director of National Intelligence; and when so authorized by the Director of the Agency, in support of any other department or agency.

5. Section 421(b), page 11

Should this refer to the Director of the Agency rather than the Director of National Intelligence?

6. Section 421(h), page 14

a. A correction in line 3: "National Agency" should read "National Intelligence."

b. This paragraph should explicitly authorize the use of firearms in the protection of Agency installations and grounds. We suggest the phrase read "... the same powers as sheriffs and constables, including carrying firearms, for the protection of persons and property."

7. Section 422, page 17

OL/ ( We note there is no specific mention of the capability to provide items to foreign governments or officials on accommodation procurement basis. Also, there is no specific mention of the transfer or assignment of U.S. Government property to foreign governments.

8. Section 422(a), page 17

OL/ We feel the procurement, storage, and maintenance of ammunition and ordnance material is sufficiently unusual to require explicit authorization in the charter.

9. Section 422(b), page 19

OL/ This paragraph should permit the Director of the Agency to waive the Federal Property Management Regulations in the same manner he may waive the appropriate sections in the U.S. Code.

10. Section 423, page 19

We assume the term "proprietary" will be defined in the definition section of the Act.

11. Section 423(d), page 19

a. We repeat our concern expressed in March that the threshold of \$50,000 proposed in this subsection is unreasonably low.

b. We question the requirement to report the disposition of a proprietary to the Comptroller General. Would it not be preferable to report such transactions to our oversight committees?

12. Section 426, page 22

In the second sentence, the word "activities" should be deleted so to make clear that the word "funds" is the antecedent to the word "authorized." The sentence as it now reads is confusing and unnecessarily limiting.

13. Section 431(b)(1), page 28

We continue to support the suggestion that usefulness to the Agency, as well as safety, can be jeopardized by unauthorized disclosure. Criminal sanctions should not be limited to situations where only safety is jeopardized.

14. Section 426(c)(3), page 23

Once an activity to be funded by the Reserve Fund has been approved, the mechanics of obligation and expenditure should be left to the administrators. We suggest this paragraph be deleted.

15. Section 441(a)(1), page 30

As stated in our 11 March memorandum, the definition of the term "employee" is inadequate for Agency needs. In the past, OGC has stated that the circumstances of employment relationship, not the contract itself, establishes the rights and benefits applicable to an individual. We feel this section needs to be more explicit on the point that certain individuals, including "residents," can have an employee relationship in contract status. We should not

rely on the legislative history for interpretations of the intent of this section (n.b. Department of State provides payment of Cost of Living allowances to local-hire resident employees who are U.S. citizens).

16. Section 441(a)(3), page 30

The definition of "United States" should be consistent with the definitions and standards of 5 and 22 U.S.C., Federal Travel Regulations, and Foreign Affairs Manual.

17. Section 442, page 33

We continue to take the position that the details about the participation in CIARDS should not be included. It should be sufficient simply to refer to the statute which established CIARDS.

OK [ 18. We assume that Title IV will not preclude mutual support assistance between this Agency and other Government agencies not specifically identified with intelligence activities.

19. We have received a copy of the comments provided to you by the Acting SSA/DDA, in which he covers some of the same concerns discussed above as well as others. We endorse his comments on the additional concerns.



STAT

Attachment: a/s

cc: Director of Communications  
Director of Finance  
Director of Data Processing  
Director of Logistics  
Director of Medical Services  
Director of Personnel  
Director of Security  
Director of Training  
SSA/DDA